

REMARKS

Claims 1-24 are pending in the present application. With entry of this Amendment, Applicant amends claims 9, 18, 21 and 24.

The Examiner imposed a restriction requirement based on the following species: Species A (Figs. 3-4), Species B (Figs. 5-10), Species C (Figs. 11-12) and Species D (Fig. 13). Applicant hereby elects with traverse Species B for continued examination.

Figs. 5-10 relate to forming image formation information and a visual image on an optical disk. Figs. 7 and 8 specifically illustrate flowcharts for forming the visual image formation information and the visual image. It is believed that claims 2-6, 11-15, 20 and 23 read on Figs. 5-10.

Fig. 11 relates to the data configuration where a plurality of visual images are formed on the optical disk. It is believed that claims 7 and 8 (which depend from claim 2) and claims 16 and 17 (which depend from claim 11) are directed to forming a plurality of visual images.

Fig. 13 relates to a duplicating process. Independent claims 9, 18, 21 and 24 are directed to duplicating. Applicant has amended these claims to depend from claims 2, 11, 20 and 23 respectively.

MPEP 806.04(f) requires that a proper species restriction restrict between mutual exclusive species. Here, Figs. 5-10 and Figs. 11 and 13 are not mutually exclusive given that operations illustrated in Figs. 7 and 8 could be used to form a plurality of visual images or used for duplicating. Accordingly, Applicant respectfully traverses the rejection and respectfully requests that the Examiner consider not only claims 2-6, 11-15, 20 and 23 but also claims 7-9, 16-18, 21 and 24. Furthermore, it is believed that at least claims 2, 11, 20, and 23 are generic in that they read on Figs. 7 and 8, 11 and 13.

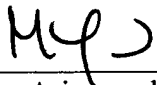
Applicant expressly reserves his right under 35 U.S.C. §121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

Applicant requests examination of the elected subject matter on the merits.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 393032038600.

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Respectfully submitted,

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